

Appl. No. 10/648,772
Amdt. Dated May 3, 2007
Reply to Office Action of March 7, 2007

Attorney Docket No. 81784.0280
Customer No.: 26021

Amendments to the Drawings:

The attached sheet of drawing includes a change to Fig. 3C. This sheet, which includes Figs. 3A, 3B and 3C, replaces the original sheet including Figs. 3A, 3B and 3C. In Fig. 3C, the designation "CP" has been changed to -- SC --.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Claims 1-18 were pending in the Application. By this Amendment, claims 1 and 2 are being cancelled, and claims 3, 4, 5, 17 and 18 are being rewritten in independent form, and claims 7, 8 and 16 are being amended to change the dependency thereof in view of the cancellation of claims 1 and 2. As so amended, claims 3-18 are submitted to clearly distinguish patentably over the art. No new matter is involved.

On page 2 of the Office Action, the drawings are objected to inasmuch as the designation "CP" in Fig. 3C should be --SC--. In response, Applicants are enclosing herewith a replacement sheet in which the designation has been corrected.

In the paragraph which begins at the bottom of page 2 of the Office Action, an informality in the second line of claim 7 is noted. In response, Applicants are amending claim 7 to change "clam" to --clamping--.

On page 3 of the Office Action, claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,580,465 B1 of Sato. Claims 1 and 2 are being cancelled. This rejection is respectfully traversed with respect to claims 3 and 4 which are being amended herein to incorporate the limitations of claims 1 and 2 therein.

On page 5 of the Office Action, claims 5-11, 17 and 18 are indicated as being allowable if rewritten in independent form. In response, claim 5 is being rewritten in independent form. Claims 6-12 depend, directly or indirectly, therefrom. Claims 17 and 18 are being rewritten in independent form to incorporate the limitations of claims 1 and 2 from which they depend therein. Therefore, claims 5-11, 17 and 18 should now be allowable.

On page 5 of the Office Action, claims 12-16 are allowed.

As noted above, claims 3 and 4 are being rewritten in independent form so as to incorporate the limitations of claims 1 and 2 therein. As so amended, claims 3 and 4 are submitted to clearly distinguish patentably over the Sato reference.

In the case of claim 3, such claim recites that "the control circuit controls such that the clamping capability within a predetermined period after start of the image capturing by the solid image capturing element becomes higher in level than the clamping capability attained in another period". The Office Action notes that Sato describes, in Fig. 3(e), that the clamping capability was higher in a period from S31 to S50 than in a period from S11 to S31. However, Sato does not disclose that the clamping capability within a predetermined period after start of image capturing by the solid image capturing element is controlled to be higher in level than the clamping capability attained in another period. Not only does Sato fail to describe, anywhere therein, what is referred to by the periods from S11 to S31 and from S31 to S50, but there is no description from which it can even be implied that S11 or S31 corresponds to a time when image capturing is begun.

With respect to claim 4, it is noted in the Office Action that a period from S30 to S31 is longer than a period from S31 to S40, based on the description related to Fig. 3(e) of Sato. However, Sato does not describe that the period from S31 to S40 is a predetermined period after start of image capturing by the solid image capturing element. Rather, Sato in fact describes that a period from S30 to S40 is an optical black period, and fails to anywhere describe what is referred to by the periods from S30 to S31 and from S31 to S40. Sato only describes, at lines 13-20 and 40-41 of col. 5 thereof, that S31 is a time at which the LSB voltage of the optical black period from S30 to S40 is detected.

Appl. No. 10/648,772
Amdt. Dated May 3, 2007
Reply to Office Action of March 7, 2007

Attorney Docket No. 81784.0280
Customer No.: 26021

Therefore, claims 3 and 4 are submitted to clearly distinguish patentably over the cited reference. In addition, claims 5-18 should now be allowable for the reasons discussed above.

Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4764 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: May 3, 2007

By: 

John P. Scherlacher
Registration No. 23,009
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601